

a1
cont. transferring energy to or from an airway wall in the lungs to alter the airway wall in such a manner that the responsiveness of the airway is reduced.

46. (Amended) A method for treating conditions of the lungs by decreasing airway resistance to airflow comprising:

a2 transferring energy to or from an airway wall in the lungs to alter the airway wall in such a manner that a resistance to airflow of the airway is decreased.

REMARKS

Support for the above amendments can be found throughout the specification. No new matter is added.

Drawings

Applicant acknowledges that formal drawings will be required when the application is allowed.

Rejections under 35 U.S.C. §102(e)

Claims 1-3, 5, 41, and 42 stand rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 5,979,456 to Magovern. The Office Action provides:

Magovern discloses a method and apparatus for reversibly modifying the shape of a selected portion of the body such as the pharynx, to produce a desired result, for example, to overcome obstructive sleep apnea by urging open the pharynx. Magovern's apparatus can include an energy source coupled to a preconfigured structure for providing activation energy, responsive to a predetermined stimulus, wherein said energy source can be an electrical, mechanical, thermal, electromagnetic, or a combination thereof. See Magovern, Col. 2 line 66 through Col. 3 line 1. Further, Magovern teaches that his apparatus can be used external